

## **CIMP OUTREACH MEETING SUMMARIES**

### **6/26/03 Outreach Meeting with Developer Industry Representatives**

After Public Works and Redevelopment staff gave a presentation on the proposed Ordinance, the Developer Industry Representatives made the following comments:

- The City's estimate for private projects that will be required to prepare an Impact Mitigation Plan is far too low. This will impact many private projects.
- The draft ordinance is too vague when it comes to the analysis of other impacts. This could be interpreted in ways that would stop projects from occurring.
- The requirements for mitigation will increase the cost of development activities for major private projects and seems counter to the City's desire to reduce these costs.
- What is the extent of the mitigations being considered? Mitigation of hard impacts (construction dust, noise, traffic) or compensation for business losses?
- What is the timeframe relevant to? What happens if there is a delay in material delivery or traffic signal work occurs after the actual project is complete?
- Who will write and review the mitigation plan? The cost of this to the developer will be manifold: On the front end, developers will have to dedicate resources to develop and write the mitigation plan, using resources and expertise they may not have. Who (what City staff) will review and accept or reject the proposed plan? This will cost time in the permit approval process.
- Once the plan is approved, who will oversee its implementation?
- How will the ordinance affect project schedules?
- Doing business in San Jose is costly enough, and now this Ordinance would add to it.

### **7/8/03 Outreach Meeting with VTA**

VTA staff made the following comments about the proposed Ordinance based on their review of the current draft, the discussions from the June BBT Committee meeting and their proposed draft Cooperative Agreement:

- The draft CIMP is too overarching and covers too many projects.
- They have serious concerns with any ordinance that provides for “direct subsidies” to businesses, or fines for non-compliance, but would be open to an ordinance that suggests methods or programs to deal with the impacts of projects.
- They think “cooperative agreements” with the City would be a better manner in which to achieve the goals of the CIMP.
- They are concerned about the CIMP’s impact on project schedules and budgets.
- The ordinance needs to provide guidelines (triggers) spelling out when a CIMP comes into a project, and when the Council begins and stops being involved. Redevelopment Agency staff agrees that this is a key issue: when a CIMP begins at a project’s planning and outreach stage and gets approved by Council, does it come back to Council for implementation? When the contract is awarded? When

- change orders are issued? When the contractor resequences the work differently than anticipated five years earlier during the planning stages?
- How will it be determined which businesses are considered impacted by construction?

#### 7/14/03 Outreach at the San Jose Business Association President's Meeting

After Public Works and Redevelopment Agency Staff gave a presentation on the proposed Ordinance, the San Jose Business Association made the following comments:

- They are concerned about the lack of information businesses receive about construction projects.
- In order to plan ahead of time for a project's impacts, they want to be included in the project information loop and given contact information for each project.
- There should be guidelines specifying the information businesses and projects need to know about each other, including how much notice to give businesses about construction, the best way to contact project staff or when regular business delivery days are.

#### 7/17/03 Outreach at the Downtown Association Meeting

After Redevelopment Agency staff gave a presentation on the proposed Ordinance, the Downtown Association made the following comments:

- The ordinance is a great idea, but they are concerned it would shut the door on other mitigations. That is, how will changing field conditions be accommodated as a project progresses? Redevelopment Agency staff responded to this concern explaining that the CIMP is intended to be flexible to enable staff to quickly respond to these changes based on the plan laid out in the document.

#### 7/22/03 Outreach with major Utility Companies serving San Jose

After Redevelopment Agency and Public Works staff presented an overview of the draft Ordinance and discussed the City's perspective, the Utility Companies made the following comments:

- Utility companies are concerned that the process involved in the preparation of the CIMP will add preliminary design time and resources to the project, adding cost and delays.
- Suggestion was made that the project owner should incorporate or account for the preparation of the CIMP into the actual project schedule.
- Utility companies requested that CIMP policy should have some flexibility to adjust to project schedule changes and scope.
- City requirements continue to add costs to utility company projects.
- Concern was raised as to who makes the final decision or determines that a CIMP is required. Also, who determines if the measures are adequate?

Comments from the San Jose Silicon Valley Chamber of Commerce

After reviewing the draft Ordinance, the Silicon Valley Chamber of Commerce made the following comments:

- Section 13.36.120, Item B. “Other impacts” should be defined. This definition would clarify exactly what the CIMP is evaluating besides the listed items. It is unfair to the contractor and affected businesses to have to guess what the impacts might be.
- Section 13.36.130, Item B.1. Limited hours of construction. The City passed a Lane Closure Ordinance, restricting the closure of main streets and thoroughfares in the City. The result is higher costs through the bidding process because contractors are given 6-6.5 hours of actual working time, while they are obligated through their union agreements to pay an 8-hour day to craftspeople. This ordinance could have similar repercussions.
- 13.36.130, Item B.5. Are contractors going to be required to be a marketing arm for businesses throughout a construction zone? How is “technical support” defined?
- 13.36.130, Item B.6. How are “direct or indirect” financial support defined? If the City advertises a Public Construction Contract, will it now be incumbent for the contractor to financially assist businesses in the area of a construction contract that the City let?
- The Ordinance’s “broad based, non-specific language” does not provide any definitions for limitations.
- The ordinance’s “very convoluted and open-ended” language could cause a special problem to contractors on public projects. In the area of a private development / private negotiated construction contracts, the owner and contractor can take many of the ordinance’s issues into account when assessing the fees for the project. In the area of public construction, where low bid prevails, the contractor could be left “holding the bag.”
- A well-managed construction project should already have the Ordinance’s mitigation measures included in its overall project plan.